

1 TOWN OF LYONS BOARD OF TRUSTEES MEETING
2 VIRTUAL MEETING
3 LYONS TOWN HALL, 432 5TH AVENUE, LYONS, COLORADO
4

5 **ZOOM LINK:**

6 <https://us02web.zoom.us/j/81525411063?pwd=NWt0TFhoUUpsOXpjTnlaNmpKNUUs4Zz09>
7

8 **Meeting ID: 815 2541 1063**

9 **Passcode: 199043**

10 **Dial by your location**

11 **+1 929 205 6099**

12 **Meeting ID: 815 2541 1063**
13
14
15

16 DRAFT AGENDA

17 **TUESDAY, JANUARY 18, 2022**

18 6:00 pm – 6:45 pm

19 *Lyons Fire Protection District Updates*
20
21
22

23 7:00 PM BOARD OF TRUSTEES REGULAR MEETING

- 24 I. Roll Call and Pledge of Allegiance – **Present:** Mayor Angelo, Mayor Pro Tem Browning,
25 Trustee Miller, Trustee Lowell, Trustee Karavas, Trustee Waugh **Absent:** Trustee Rogin
26
27 II. A Reflective Moment of Silence
28
29 III. Approve Agenda – **Motion:** move to approve agenda **Moved by:** Trustee Waugh
30 **Seconded by:** Trustee Lowell **Motion passes 6-0**
31
32 IV. Audience Business
33 1. Michael Rudder – McConnell Drive – in support of Hall Trail
34
35 V. Boulder County Sheriff's Office Report – Sgt Crist: working with camera systems for the
36 cameras at either end of town, waiting for CDOT approval, should move quickly. Meeting
37 with Chief Zick on water rescue plan for next year. Significant amount of water rescues this
38 year, trying to smooth out process.
39
40 VI. Trustee Reports
41 1. MPT Browning – PRC met 1/10 County Survey on CR 69 complete; BOCO open space
42 expected to complete first part of review sometime in January.
43 2. Trustee Lowell – Ecology Board, I did not attend. 2022 annual report updates received.
44 Only 4 more meetings and the new board is seated, hopeful to tie up loose ends on L hill
45 and annexing Martin Parcel.
46 3. Trustee Miller – HHS met 1/10, Fire joined to discuss evacuation of vulnerable citizens
47 during a disaster.
48 4. Trustee Waugh - unable to attend last PCDC meeting; would like update on sale of Apple
49 Valley water plant
50 5. Trustee Karavas – congratulate Aaron/staff on High Pressure line on 1st Ave and all new
51 valves, good job. 2nd Ave bridge seems seals on decking is already cracking; need to get
52 seams filled and resealed.
53 6. Mayor Angelo –LAHC met and discussed native American sculpture, town hall mural. SFC
54 met to discuss 2022 goals. Action items: driveway/drainage on Evans, when curb put in,
55 they could not use driveways and now drainage freezes over at night. Can be addressed in

56 memos from counsel. 1. Ed Bruder 2. Analysis and justification on Wee Casa Sewer
57 Charges 3. Riverbend taps, when did town officially take action?
58

59 VII. Boards & Commissions

60 1. Lyons Arts & Humanities Commission –

- 61 A. Request for Letter of Recommendation - Lyons Creates – Lauren Click presented; MPT
62 Browning asked what a fiscal agent was? Lauren Click stated the Town would handle the
63 finances until Lyons Creates would become their own 501c3
64 B. Discussion/Direction on Mural on Town Hall – Jocelyn Farrell presented conceptual
65 drawings; budget amounts. Trustee Lowell stated that is a wonderful mural. MPT
66 Browning \$5K from budget? Mayor Angelo, originally not in favor of this, but I think it is
67 absolute dynamite. A few concerns: painted on stucco, needs to be some kind of
68 protective element on both sides. Also, graffiti worries me. Board supports.
69

70 VIII. Staff Reports

- 71 1. Finance Update – Director Eyestone presented: still accruing debts for 2021 thru end of
72 February, not concrete numbers. Sales tax came in very strong; all funds' revenues are
73 exceeding costs. MPT Browning, 4th Ave project, what might be a realistic date to look at
74 that? Director Eyestone, early March, last meeting in February we won't have closed out
75 that month. Trustee Karavas, Summit housing, money in enterprise funds, in roll up, where
76 is that money showing up? Director Eyestone, it is accounted for in the roll up breakdown.
77 2. Utility Update – Director Caplan presented on board concerns: LVP lift station parts still on
78 order. Effluent/Influent numbers coming from Ramey; emergency utility shutdown
79 procedures in report, electric undergrounding plans with NLine. Update on Riverbend PUD
80 submitted drainage report. MPT Browning, WWTF influent about 1 million gallons a month,
81 what is percentage of flow capacity? Aaron, the million gallons is what is used to process
82 the waste, that is on top of the influent. Updated the BOT on Longs Peak project, short
83 \$300K for paving, delay with storm water inlets. Should start cleaning up staging area. 1st
84 Ave water line project complete. Came in slightly under budget. Still waiting for Summit to
85 get bond, no further work until we receive. Working on credit card terminal for bulk water,
86 HUTF report turned in; 1/3 of towns sewer lines jetted and videoed. Trustee Miller, crack
87 sealing done when it was wet and rainy, it's just going to crack/ruin again. Are they going
88 to redo? Aaron, under warranty for one year, we don't expect any issues. Mayor Angelo,
89 reclamation of staging area on Longs Peak, what is schedule? Director Caplan, no solid
90 schedule, trucks coming in tomorrow to remove concrete/dirt. Goal is to have removed
91 before they prep the road.
92 3. Administrator's Report – Administrator Simonsen stated Boards & Commissions training
93 this Saturday, and next Tuesday, only need to attend one session. BOT does not need to
94 attend. Working to educate staff on new employee handbook; CIRSA has done annual
95 inspection, thanked staff for hard work. If interested in running for the BOT, please see
96 Town Clerk. Reminder to all, RLF available to business. \$130K available to loan. Yearend
97 parking/camping revenues well above anything we projected. All Bohn Park kiosks are
98 functioning. More graffiti in Bohn Park this weekend. Trying to plan for outdoor activities,
99 winter wonderland concerts and old man winter. Lucky Lyons 5K and 10K potentially
100 coming in spring.
101 4. Legal Update – Attorney Dittman: Frysig matter is closed, satisfaction of judgment filed.
102 Opioid settlement max amount available to us soon, then can discuss how to best use
103 funds. Honeywell, Filanc & TetraTech have filed a suit against Honeywell, named the
104 Town, will delay our negotiations even further. Yoder matter: hearing and order due last
105 week. Decision in two parts. Determined home was a nuisance and unfit for habitation. 2nd
106 impossible for Yoder to abate because it is in the flood zone. Left with no options,
107 proposing appealing to municipal court. If we don't appeal, then house will sit as is. Very
108 disappointing decision. Trustee Lowell, if judged not fit for human habitation, and she
109 continues to live there on occasion, what recourse does the town have? Attorney Dittman
110 could be a health and safety violation. Hope is bank will step in and fix the issues.
111 Consensus is to appeal decision. "L" property, title work came back less complex,

112 preparing to draft warranty deed. Will be resolved by end of term, small amount of work,
113 need Mr. Bell to sign.
114

115 IX. Public Hearings and Ordinances

- 116 1. 2nd Reading – Public Hearing – Ordinance 1112 - an Ordinance of the Town of Lyons,
117 Colorado Amending Chapter 16, Article 6 of the Lyons Municipal Code Updating
118 Commercial & Mixed-Use Design Guidelines **(open and continue to a date certain)**
119 Attorney Dittman presented; **Public hearing opened at 8:33 pm** no comments, **Public**
120 **Hearing closed at 8:33 pm Motion:** move to a date certain of March 7, 2022, **Moved by:**
121 **MPT Browning Seconded by:** Trustee Karavas **Motion passes 6-0**
- 122 2. 2nd Reading – Public Hearing - Ordinance 1113 - an Ordinance of the Town of Lyons,
123 Colorado Amending Chapter 16, Article 17 Of the Lyons Municipal Code Updating the Site
124 Plan and Development Plan Review Process **(open and continue to a date certain)**
125 **Public hearing opened at 8:36 pm** no comments **Public Hearing closed at 8:37 pm.**
126 **Motion:** continue to date certain 3/7/22 **Moved by:** MPT Browning **Seconded by:** Trustee
127 Karavas **Motion Passes 6-0**
- 128 3. 2nd Reading – Public Hearing – Ordinance 1117 – an Ordinance of the Town of Lyons,
129 Colorado Approving a Lease of Town Property to Raul Vasquez – Administrator Simonsen
130 presented; Trustee Waugh requested a review of lease rate; contacted Boulder County,
131 only lease a few office spaces and agriculture, so not applicable. Googled vacant land
132 leases, only 8 listings and not comparable. Could not find a good comp; only Bureau of
133 Land Management, received no response from their office. This lease has been renewed
134 numerous times, two previous leases included price index increase, not in these last two
135 leases. Also discussed the 10 feet for trail, Mr. Vasquez is very workable with us, sent him
136 language and he was agreeable. Attorney Dittman, language, did he agree to the
137 language? Mayor Angelo asked, it states he would have to remove any buildings, are there
138 any? Administrator Simonsen, yes, depending on different alignments of trail there could be
139 one building. Trustee Waugh any record why CPI was removed from last lease?
140 Administrator Simonsen, I do not know why that changed. Mayor Angelo, do we have an
141 amount of what that would be? For budgeting purposes, we used 3.5%. Attorney Dittman, I
142 didn't know that had been removed, we recommend escalator clauses. MPT Browning
143 when was Spirithounds lease renewed? Administrator Simonsen, it's due for renewal, it has
144 lapsed. **Public Hearing opened at 8:48 pm** No comments **Public Hearing closed at 8:49**
145 **pm Motion:** approve Ordinance 1117 **Moved by:** MPT Browning **Seconded by:** Trustee
146 Karavas Trustee Waugh, I agree it should be fair and consistent, and if we continue to use
147 different time frames, absolutely necessary to put CPI in there, I pay almost 5 times for the
148 3 acres; not here to penalize Mr. Vasquez, go with \$3300.00 and go with CPI, we need to
149 understand the value. More than fair; all of our leases need a CPI index clause **Motion:**
150 amendment to include CPI clause **Moved by:** Trustee Waugh **Seconded by:** MPT
151 Browning **Motion Passes 4-1 NO:** Mayor Angelo **Trustee Miller not on camera Motion:**
152 add language on trail section, to be included "15 Feet during construction 10 feet after"
153 **Moved by:** MPT Browning **Seconded by:** Trustee Lowell **Motion Withdrawn already in**
154 **document. Vote on ordinance as amended Motion passes 5-0**
- 155 4. 2nd Reading – Public Hearing – Ordinance 1116 - an Ordinance of the Town of Lyons,
156 Colorado Approving an Amendment to a Contract to Buy and Sell Real Estate with Lyons
157 Ute Hwy, LLC. for Lot 1, Railroad Subdivision – Attorney Dittman provided background;
158 **Public hearing opened at 8:56 pm** no comments **Public Hearing closed at 8:57 pm**
159 **Motion:** move to approve **Moved by:** MPT Browning **Seconded by:** Trustee Karavas
160 **Motion passe 5-0, Trustee Miller not on the screen. 5- minute break at 9:00 pm.**
161 **Meeting resumed at 9:05 pm. Trustee Miller rejoined the meeting at this time.**
162

163 X. Consent Agenda

- 164 1. Resolution 2022-4 - a Resolution of the Town of Lyons, Colorado Approving the
165 Construction Agreement for the GOCO Black Bear Hole and 2nd Ave Trailhead
166 Improvements Project with NICX

- 167 2. Resolution 2022-6 – A Resolution of the Town of Lyons, Colorado Ratifying the Fifth
168 Amendment to the Professional Services Agreement for Design Services with Anderson
169 Consulting Engineers, Inc. for the Stormwater Improvements Project
170 3. Resolution 2022-7 - a Resolution of The Town of Lyons, Colorado Appointing One New
171 Member to the Board of Directors of the Lyons Regional Library District
172 4. January Accounts Payable
173 5. January 3, 2022, BOT Meeting Minutes
174 6. January 6, 2022, Special BOT Meeting Minutes
175 **Motion:** move to approve **Moved by:** Trustee Karavas **Seconded by:** Trustee Waugh
176 Mayor Angelo removed item 3 **Motion passes 6-0**

- 177
178
179 XI. Items Removed from Consent Agenda
180 Item 3, Resolution 2022-7, Mayor Angelo complimented Gil Sparks, now on 3
181 boards/committees, his wife as well. Thank you for your commitment to the town of Lyons.
182 **Motion:** move to approve **Moved by:** Mayor Angelo **Seconded by:** MPT Browning **Motion**
183 **passes 6-0**
184

185 XII. General Business

- 186 1. Resolution 2022-8 – a Resolution of the Town of Lyons, Colorado Approving the Third
187 Amendment to the Carroll Agreement – Director Caplan gave background; asked is agreement
188 ok if solar farm is not placed in that location? Attorney Dittman stated the agreement reads town
189 MAY, doesn't require us to build it there. **Motion:** move to approve **Moved by:** MPT Browning
190 **Seconded by:** Trustee Karavas MPT Browning stated this is the 3rd amendment, each time
191 situations have come up, I've always found the Carroll's to be very reasonable. **Motion passes**
192 **6-0**
193 2. Discussion/Direction to Staff on Utility Issues – Director Caplan: during Longmont's waterline
194 project, location where their water line and our storm water line intersect; Longmont has offered
195 their contractor to do the work at cost to the town; our engineer reviewed and has a solution;
196 question is cost, not a town project, they would like the invoice sent to the town. Wanted to
197 verify we wouldn't run into any problems. Is that ok? It is a \$19K cost to come out of
198 stormwater fund. Could potentially come out of ARPA funding, not as familiar. **Board**
199 **consensus is to fund from stormwater fund and proceed.** Next, Longmont removal of water
200 lines from St Vrain creek in Apple Valley. We signed agreement with BOCO that we would
201 remove, Longmont offered to remove one of our lines as it is basically underneath one of their
202 lines, second is not in their construction limits, have discussed with residents, are offering a cost
203 sharing; estimate of \$30K, we have until 2025 to meet county requirements, or we can pursue, I
204 believe we could use ARPA funding for this project. Administrator Simonsen, Longmont is
205 already doing the permitting through the county which is huge, saving town money and time. I
206 believe this project will be eligible, especially if it comes in at lower end. MPT Browning if we
207 take \$30K from WWTF re-rating are we still above 3-month reserve? Administrator Simonsen,
208 we were getting close, but still have time to absorb. And DOLA regularly comes to us to see if
209 we have a need. **Board consensus is to go ahead and work with Longmont approves the**
210 **\$30K** Next, solar farm location, we do have the offer of a \$1 million dollar grant if town accepts.
211 Need to update zoning to allow for solar in Bohn Park. Attorney Dittman, nowhere in POS
212 zoning allows, would be a text amendment. Administrator Simonsen, DOLA wants to know if
213 we are going to accept the grant; we don't need to declare a sight. On 2/7 UEB can come back
214 with update. If you all are fine with location, we could start ordinance for text amendment.
215 Trustee Karavas, CML suggested we write this into zoning code, stating approved by a vote of
216 the people. Trustee Lowell, confused, a vote stated any use other than POS required a vote, so
217 who for all parks. Attorney Dittman, the voters did approve this location, so it would only affect
218 this park. The other parks would be by conditional use review only. Board consensus is to
219 accept grant, UEB's preferred location and voters approved.
220 3. Resolution 2022-9 A Resolution of The Town of Lyons, Colorado Referring a Question to the
221 Registered Electors of the Town of Lyons Pursuant To C.R.S § 31-11-111(2) A Question
222 Regarding an Off-Highway Connecting Trail Between Lyons's Existing Parks and Trails System
223 and Hall Ranch Open Space – MPT Browning, this is just a question to ask voters their
224 thoughts. Since we are already having an election, it won't cost us anything. Clerk Vasquez
225 noted if there are not enough candidates running for office, we would have to hold the election
226 for this one question. **Motion:** move to approve **Moved by:** MPT Browning **Seconded by:**

Trustee Lowell Clerk Vasquez read in Trustee Rogin's comments and BCOS comments. Mayor Angelo stated we gave the County until the end of January; we should be a little more patient. I have dealt with the county on open space issues on 3 different occasions: the Olson property, Steamboat and Stone Canyon. The best way to get this done, if we really want to achieve it, is to be patient, let's see what their study says. Not take a nonbinding resolution to the commissioners as leverage. I don't know what the necessity of degrading it is. I don't understand the importance. The county has kept this property wild, and when it becomes public, there will be an inordinate amount of traffic. MPT Browning, my intent will be to rescind the resolution if the election is cancelled. Mayor Angelo, not talking about patience of last 20 years, I'm talking about the patience of when we passed the last resolution. Be patient and wait until it comes out. Nobody has been more responsive to creating open recreation space than Boulder County. Trustee Miller I will be voting no. Trustee Karavas like Administrator and Clerk to remind us of agreement that any purchase of land in our planning area we would be notified. Mayor Angelo, I think honestly this is a staff-to-staff issue, the board has already given direction to staff to work with the county. It takes patience. **Vote: NO:** Mayor Angelo, Trustee Miller, Trustee Waugh **YES:** MPT Browning, Trustee Lowell, Trustee Karavas **Vote is 3-3 motion fails.**

XIII. Discussion on Future Agenda Items

1. Transfer of lots 17, 39 and 40 from Summit
2. Request on 3/7 agenda how to fund portion of 4th Ave bridge project
3. Sale of Apple Valley water treatment plant
4. Necessary revisions to LMC regarding special meeting procedures
5. Finalize local match/funding on 36/Broadway project

XIV. Summary of Action Items

1. Fire fighting efforts for rentals (Trustee Waugh)
2. Fire equipment needed for 3 story building fire protection (Trustee Waugh)
3. Update on sale of Apple Valley water plant property
4. Follow-up on 2nd Avenue bridge re-sealing of decking
5. A. Ed Bruder B. Analysis and justification on Wee Casa Sewer Charges C. Riverbend taps, when did town officially take action
6. Update on Flow/Load Capacity at WWTF
7. Cost estimate for new basins at WWTF
8. Appeal Yoder decision
9. Proceed with the 2 Longmont projects and fund as directed.
10. Accept \$1million grant from DOLA and move forward with solar farm
11. Bring Ordinance forward with text amendment for solar farm in POS zone
12. L Hill warranty deed
13. Evans storm drainage
14. Follow-up on Denver Post comments
15. Lyons Creates letter of support
16. Town hall mural follow-up
17. Crack seal on north side of town follow-up
18. Yoder follow-up

- XV. Adjournment – **Motion:** move to adjourn **Moved by:** Trustee Waugh **Seconded by:** Trustee Lowell **Motion passes 6-0 meeting adjourned at 10:30pm**

Respectfully Submitted by:

Dolores M. Vasquez, CMC – Town Clerk

Mayor Nicholas Angelo

286

287

288

289

“The Town of Lyons will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. Persons needing accommodations or special assistance should contact the Town at hr@townoflyons.com as soon as possible, but no later than 72 hours before the scheduled event.”